

Am to 209

Legislative Department.

Oct 11. 78

Read & referred to
Com on Legislative
Department

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Nov. 11. 78

Reported back with
substitute am to 301

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Same
Legale

Same

Article four for a
revised Constitution of the
State of California Legislative
Department introduced by
V. B. Laine
Bellevue from Santa Clara
County.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SEC. 1. The Legislative power of this State shall be invested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 2. The regular sessions of the Legislature shall be biennial; the first session under this Constitution shall commence on the second Monday in January, one thousand eight hundred and eighty; and thereafter the Legislature shall meet in regular session once in two years, on the second Monday in January. No session shall continue longer than ninety days.

SEC. 3. The members of the Assembly shall be chosen by the qualified electors of their respective districts, on the first Wednesday in September, and their term of office shall be four years.

SEC. 4. No person shall be qualified to be a Senator unless he shall have attained the age of thirty years, and been eight years a citizen of the United States. No person shall be qualified to be an Assemblyman unless he shall have attained the age of twenty-five years, and been four years a citizen of the United States. Senators and Assemblymen shall be qualified electors in the districts they represent.

SEC. 5. Senators shall be chosen for the term of eight years, at the same time and places as members of the Assembly.

SEC. 6. The Senate shall consist of thirty members, and the Assembly of sixty members, to be elected by districts as hereinafter provided. The seats of the fifteen Senators from the odd-numbered districts, chosen at the first election under this Constitution, shall be vacated at the expiration of the fourth year, so that one-half of the Senate after the first election shall be chosen every four years.

SEC. 7. For the purpose of choosing members of the Legislature, the State shall be divided into thirty districts, as nearly equal in population as may be, and composed of contiguous territory, to be called legislative districts; each district shall choose one Senator and two members of the Assembly. The districts shall be numbered from one to thirty, inclusive, in numerical order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of said districts no county or city and county shall be divided, unless it contain sufficient population within itself to form two or more districts, nor shall a part of any county or city and county be united with any other county or city and county in forming any district. The first Legislature that shall convene after the taking and publishing of each and every decennial census, or enumeration of the inhabitants of the United States under the direction of Congress, shall adjust said districts so as to preserve them as near uniform in population as may be. Until such adjustment shall be made, the first district shall consist of the counties of Del Norte, Siskiyou, Modoc, Lassen, Shasta and Trinity; the second of the counties of Humboldt, Mendocino and Lake; the third of the counties of Tehama, Butte and Plumas; the fourth of the counties of Sierra and Yuba; the fifth of the county of Nevada;

the sixth of the counties of Sutter, Colusa and Yolo; the seventh of the counties of Placer and El Dorado; the eighth of the county of Sacramento; the ninth of the county of Sonoma; the tenth of the counties of Marin and Contra Costa; the eleventh of the counties of Amador, Calaveras and Alpine; the twelfth of the counties of Yolumne, Mariposa, Mono and Inyo; the thirteenth of the county of San Joaquin; the fourteenth of the county of Alameda; the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third of the city and county of San Francisco; the twenty-fourth of the counties of San Mateo, Santa Cruz and Monterey; the twenty-fifth of the county of Santa Clara; the twenty-sixth of the counties of Stanislaus, Merced and San Benito; the twenty-seventh of the counties of Fresno, Tulare and Kern; the twenty-eighth of the counties of San Luis Obispo, Santa Barbara and Ventura; the twenty-ninth of the county of Los Angeles; and the thirtieth of the counties of San Bernardino and San Diego.

SEC. 8. Each House shall choose its own officers and judge of the qualifications, elections and returns of its own members."

SEC. 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent

members, in such manner and under such penalties as each House may provide."

SEC. 10. Each House shall determine the rule of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member."

SEC. 11. Each House shall keep a Journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the Journal."

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session."

SEC. 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies."

SEC. 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy."

SEC. 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting."

SEC. 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other."

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it he shall sign it, but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the Journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case, it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law, in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items,

while approving other portions of the bill; in such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefore; and the appropriations so objected to, shall not take effect, unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated, a copy of such statement, and the items so objected to shall be separately reconsidered, in the same manner as bills which have been disapproved by the Governor.

SEC. 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 19. The Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court, and County Judges shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial and punishment according to law. All other officers shall be tried for misdemeanor in office as the Legislature may provide.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by election by the people.

SEC. 21. No person holding any office under the United States, or any other power, shall be eligible to any civil office of profit under this State.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State, shall ever be eligible to any office of honor, trust or profit, under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 24. The members of the Legislature shall severally receive for their services five dollars per day. In addition to

the above per diem, the members shall be entitled to receive as mileage, three dollars for every twenty miles of travel to and from their residences to the place of holding the sessions. Each member shall also receive at each regular session, an additional sum of fifty dollars, which shall be in full for all stationery used, and all postage, and all other incidental expenses; and no allowance or emoluments for any purpose whatever, shall be made to or received by any member of either House for his use, out of the contingent fund or otherwise, except as herein expressly provided; and no allowance, extra pay or emoluments for any purpose whatever, shall ever be paid to any officer, agent, clerk, servant, or employe of either House of the Legislature, or of any committee thereof, except such per diem as may be provided for by law, not exceeding five dollars per day.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and shall be expressed in its title; and no law shall be revised or amended by reference to its title, but in such case, the part of the act revised or section amended shall be re-enacted and published at length as revised or amended.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery in this State.

SEC. 28. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and seventy; and every ten years thereafter, shall be the basis of fixing and adjusting the Legislative districts.

SEC. 29. No local law shall be passed unless notice of the intention to propose the same to the Legislature shall have been published in the locality to be affected thereby, which notice shall state the substance of the contemplated law, and shall be published at least twenty days in some newspaper of general circulation, in the locality to be affected, prior to its introduction into the Legislature. The evidence of such notice having been published shall be exhibited to the Legislature before such act shall be passed.

SEC. 30. When a Congressional District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county shall be divided in forming a congressional district, so as to attach one portion of a county, or city and county to another county, or city and county; but the Legislature may divide any county, or city and county into as many congressional districts, as it may be entitled to by law.

SEC. 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 33. The term corporations, as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all Courts, in like cases as natural persons.

SEC. 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes; but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

SEC. 35. The Legislature of this State shall prohibit, by law, any person or persons, association, company, or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

SEC. 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

SEC. 38. In all elections by the Legislature, the members thereof shall vote viva voce, and the votes shall be entered on the Journal.

SEC. 39. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the Government, and of the institutions under the exclusive control and management of the State.

SEC. 40. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item

of appropriation; and that, for one single and certain purpose, to be therein expressed.

SEC. 41. No bill shall be considered for final passage unless the same has been reported upon by a committee, and printed for the use of the members.

SEC. 42. Upon the final passage of every bill in each House, the vote shall be taken by yeas and nays, and entered upon the Journal; and no bill shall be passed unless a majority of all the members elected to each House shall vote therefor, on its final passage.

SEC. 43. Neither the Legislature nor any county, city and county, township, school district, or other municipal corporation shall ever make an appropriation, or pay from any public fund whatever, or grant anything to, or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever.

SEC. 44. The Legislature shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever for the payment of the liabilities of any individual, association, municipal or other corporation whatever, nor shall it have power to make any grant or authorize the making of any grant of any public money or thing of value to any individual, municipal or other corporation whatever; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

SEC. 45. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor to pay or authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 46. All railways heretofore constructed, or that may be hereafter constructed in this State, are hereby declared to

be public highways, and railroad companies common carriers. The Legislature shall pass laws to correct abuses and prevent unjust discriminations and extortions in the rates of freight and passenger tariffs on the different railroads in this State, and shall from time to time pass laws establishing maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 47. No railroad or other transportation company shall grant any free pass or ticket, or grant any pass or ticket at a discount, to any member of the Legislature, or any State, county or municipal officer, and the acceptance of any such pass or ticket by a member of the Legislature, or by any such officer, shall be a forfeiture of his office, and he shall be subject to the pains and penalties of a bribe-taker.

SEC. 48. In case of a contested election in either branch of the Legislature, only the claimant decided entitled to the seat shall receive from the State per diem, compensation or mileage.

SEC. 49. The Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say, changing the names of persons or places; changing county seats or locating them, except upon the organization of a new county; regulating county and township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of Justices of the Peace, Police Judges and Constables; providing for changes of venue in civil or criminal cases; providing for the election of members of the Boards of Supervisors; summoning and impanneling grand and petit juries; providing for the management of common schools; the opening and conducting of elections, or designating the place of voting; the sale or mortgage of any property belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll bridges; remitting fines, penalties or forfeitures; creating, increasing or decreasing salaries, fees, percentage or allowance of public officers during the term for which said officers are elected or appointed; changing the law of descent; authorizing or directing the payment of money by any county, city and county, or other municipal corporation.

Am No 211

Executive Depart
ment

Oct 11, 78

Lead referred
to Com in Execu
tive Department

Thornton

ass rec

Nov 2, 78

Reported back with
Substitute Am No 468

Thornton

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Master of Sautie
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Article five for a revised
Constitution of the State of
California Executive depart-
ment suggested by P. H. Lane
and introduced by J. M. Linn
Delegate from
County 4th cong. dist

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the

Assembly, and shall hold his office four years from and after the second Monday in January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding the election, and attained the age of thirty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of Government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant; and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate, by message, to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; provided, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, or be eligible thereto.

Sec. 13. The Governor shall have the power to grant re-
prieves and pardons after conviction, for all offenses except
treason and cases of impeachment, upon such conditions and
with such restrictions and regulations as may be provided by
law. Upon conviction for treason, he shall have the power
to suspend the execution of the sentence until the case shall
be reported to the Legislature at its next meeting, when the
Legislature shall either pardon, direct the execution of the
sentence, or grant a further reprieve. He shall communicate
to the Legislature, at the beginning of every session, every
case of reprieve or pardon granted, stating the name of the
convict, the crime for which he was convicted, the sentence
and its date, and the date of the pardon or reprieve."

Sec. 14. There shall be a seal of this State, which shall
be kept by the Governor, and used by him officially, and
shall be called "The Great Seal of the State of California."

Sec. 15. All grants and commissions shall be in the
name and by the authority of "The People of the State of
California, sealed by the Great Seal of the State, signed by
the Governor, and countersigned by the Secretary of State."

Sec. 16. The Governor shall receive an annual salary of
five thousand dollars, to be paid at stated times, as provided
by law, which shall be in full for all services performed by
him for the State as Governor, or in any other official capacity,
and the Legislature shall have no power to grant him any ex-
tra compensation whatever for ex-officio service of any kind.

Sec. 17. In case of the impeachment of the Governor, or
his removal from office, death, inability to discharge the
powers and duties of the said office, resignation or absence
from the State, the powers and duties of the office, with its
emoluments, shall devolve upon the President of the Senate
for the residue of the term, or until the disability shall cease.

Sec. 18. A Secretary of State, a Controller, a Treasurer,
an Attorney-General and a Surveyor-General, who shall be
ex-officio Register of the State Land Office, shall be elected at
the same time and places and in the same manner as the Gov-
ernor, whose term of office shall be the same as the Governor.
They shall each receive an annual salary of three thousand
dollars, to be paid at stated times as provided by law, which
annual salary shall be in full for all services to be rendered by
them of every kind, name and nature. No person shall be
eligible to either of said offices unless he shall have attained
the age of thirty years, and been five years a citizen of the
United States and resident of this State.

Sec. 19. The Secretary of State shall keep a fair record
of the official acts of the Legislative and Executive Depart-
ments of the Government, and shall, when required, lay the
same, and all matters relative thereto, before either branch
of the Legislature, and shall perform such other duties as
may be assigned him by law."

Am 212

Mode of Amending
& revising the
Constitution

Oct 11/78

Read & referred to
Com on Future Amend-
ments

Thomson
ass re

Dec 21, 78

Report on Com Oct 21/78
substitute am to 526

37 Thomson
and Key

John Ayer
Matthew of San Francisco
Craig

Article Ten for a revised
Constitution of the State of
California Made of
Amending and revising
the Constitution suggested
by J. H. Laine and introduced
by Ed. Martin
~~Submitted from~~ Delegation from
County 4th Cong. Dist

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SEC. 1. Whenever a majority of both Houses of the Legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session; and said amendments shall be submitted to the people for their approval or rejection, at the next general election; and if it shall appear, in a manner to be provided by law, that a majority of the qualified electors present and voting at such election shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the electors shall vote for or against each separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next election for members of the Legislature, for or against a convention; and if a majority of electors voting at said election on the proposition for a convention shall have voted for a convention, the Legislature shall, at the next session, provide by law for calling the same; the convention shall consist of as many members as the Assembly, and shall be chosen in the same manner, and shall have the qualifications of Senators; they shall meet within three months after their election for the purpose aforesaid.

Am 10213

Corporations

Oct 11/98

Read & referred
to Com on Corpora-
tions other than
Municipal

Thornton

Ass sec

Oct 30. 98

Reported back &
recommended that
no further action be taken

38 Thornton
Ass sec

Corporation

McCallum

McCallum

Proposition for
An Amendment defining
and declaring the right of the
State to regulate and limit the rates to
be charged for freights and fares
and for gas and water, and rates
of other service and commodities
by corporations, and making
the exercise of that right mandatory.

Amended the Constitution so as to
read as follows:

Article 4 Section 31. Corporations
other than Municipal may be
formed under general laws, but
shall not be created by special
Act. All laws heretofore passed or
which shall hereafter be passed in
pursuance of this section may be
altered from time to time or repealed.

~~And~~ Laws shall be passed for the
regulation and limitation of the rates
of freights and fares, and the rates of gas,
and water and other services and
commodities performed and furnished
by such corporations. In case of the selection
of any persons or officers to regulate such rates
they shall be selected ^{may be} as provided by law, which
shall in no case authorize the naming of any
such person or officer by any corporation.
Oct 11. 1878. Wm Caldwell

Am to 214

Education

Oct 11. 78

Read & referred to
Com on Education

Thomson

also Res

see 12/78

Reported back
with substitute
am #323

Smith

also see

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Article Nine for a revised
Constitution of the State of
California Education
Suggested by J. H. Davis and
introduced by Rush McComas
Delegate from Santa Clara
County

ARTICLE IX

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall be elected by the qualified electors of this State at the same time the Governor is elected. He shall hold his office for

four years from the second Monday in January next after his election. His duties shall be prescribed by law. He shall receive an annual salary of two thousand dollars, to be paid quarterly.

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual Fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State.

SEC. 3. The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported in each district at least three months in every year, and any district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public Fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent Fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of said grants. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

SEC. 5. All instruction in the common schools shall be in the English language; and no other language shall be there taught; nor shall instrumental music be taught in them.

SEC. 6. No religious sect or sects shall ever have use of or control any part of the School or University funds of this State.

SEC. 7. In order that every child in this State may have a fair opportunity to learn the privileges, rights, duties and obligations pertaining to freemen, the Legislature shall, by appropriate legislation, cause to be published, at the expense of the State, in one well bound volume of convenient size, the Declaration of American Independence, the Constitution of the United States of America, the Constitution of the State of California, and Washington's Farewell Address; and shall cause the same to be distributed, free of cost, to the children in the common schools; and to be used and taught therein as a text-book; and also in the University of California.

An to 218-

Miscellaneous
Subjects

Oct 11. 78

Read & referred
to Com Miscellaneous
Subjects

Thornton
assn

Reading & speaker
Dec 11

Jan. 25, 1879.
Reported back with sub.
Article amendment No. 535.

L. J. W. Wright
Asst. Secretary

Miss Subjects

M. P. Lee
McComas

Article Eleven for a
revised Constitution for
the State of California
Miscellaneous provisions
suggested by J. H. Lane and
introduced by Rush McComat
Delegate from Santa Clara
County

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SEC. 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of govern-

ment shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefore at a general State election, under such regulations and provisions as the Legislature may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it; or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or enjoy the right of suffrage under this Constitution."

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, and Justices of the Supreme Court shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

"And no other oath, declaration or test, shall be required as a qualification for any office or public trust, other than those in this constitution prescribed."

SEC. 4. The County governments now established by law are hereby confirmed. The Legislature may alter them from time to time, or establish new ones, as occasion may require; and the system of County governments shall be as nearly uniform as practicable throughout the State.

SEC. 5. The Legislature shall provide for the election of a Board of Supervisors in each county in this State, to consist of not less than three nor more than five members; and to be elected by districts. The Supervisors shall jointly and individually perform such duties as may be prescribed by law.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may be hereafter created by law, shall be elected by the people, or appointed as the Legislature may direct."

SEC. 7. When the duration of any office is not provided for in this Constitution it may be declared by law, and if

not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office, not fixed by this Constitution, ever exceed four years."

SEC. 8. The fiscal year shall commence on the first day of July."

San Francisco.

"SEC. 9. Each county, town, city and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe."

"SEC. 10. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association, or corporation; nor shall the State directly or indirectly become a stockholder in any association or corporation."

"SEC. 11. Suits may be brought against the State in such manner, and in such Courts, as shall be directed by law."

"SEC. 12. No contract of marriage shall be invalidated for want of conformity to the requirements of any religious sect." But no marriage hereafter contracted in this State shall be

*Invalid between the parties
thereto unless a public
record thereof be made at
the time in such manner
as may be provided by
law*

SEC. 13. All State, county, township, district and municipal officers except as herein otherwise expressly provided, shall be elected and hold office for the term of four years from the second Monday in January next after their election.

SEC. 14. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards by gift, devise or descent, shall be their separate property.

SEC. 15. The homestead, not exceeding five thousand dollars in value, and such other reasonable amount of property, as may be determined by law, of all heads of families, shall be exempt from forced sale.

"SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes."

"SEC. 17. Every person shall be disqualified from holding any office of profit in this State, who shall have been convicted of having given, or offered a bribe, to procure his election or appointment."

"SEC. 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice."

"SEC. 19. Absence from this State on business of the State or of the United States, shall not affect the question of residence of any person."

"SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution."

SEC. 21. There shall be a general election in this State on the first Wednesday in September in the year eighteen hundred and seventy-nine, for the election of State, county, township, district and municipal officers; and one such election for the same purpose, on the first Wednesday in September, every four years thereafter.

(Signature)

The people of the United States

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An to 216

Municipal
Corporations

Oct 11/18

Read & referred
to Com on City
County & Township
Organizations

Thornton

ass res

Dec 1/18

Report back with
substitute am to 524
City to 1st Org

Thornton

and res

A. E. Stovel

Proposed amendment to Article
four
Section 37.

It shall be the duty of the
legislature to provide for
the organization of county
city and town governments.
But such Municipal
Corporations shall have no
power to contract debts
or incur liabilities in
excess of one per centum
of the assessed value of
the property within the
limits of such Municipal
Corporations.

A. E. Noel

am br 217

Relating to Education.

Oct 11/78
Read & refer all to
Com on Education
Thompson
Res Rec

O'Sullivan.

See 13/78
Reported back
with substitute
am #523.

Smith
assault

Relating to Education.

Resolved, That the following provisions relating to education should be embodied in the new Constitution:

Section — The Legislature, at the first session after the adoption of this Constitution, shall provide by law for the compilation and printing of a complete series of ^{school} text-books, all the necessary mechanical work connected therewith to be done in the State Printing Office. The text-books thus compiled and printed shall be the only text-books used in the public schools of this State after the first day of January, eighteen hundred and eighty-one, and shall be furnished to all scholars in said schools free of cost.

Sec. — There shall be a Department of Agriculture and a Department of Mechanics attached to the State University. And there shall be suitable Professors in said University to give practical instruction in Agriculture and the Mechanical Arts.

Sec. — Lectures shall be delivered, at stated periods, in the State University, the Normal School, and in each one of the Public Schools of the State, by one of the Professors or teachers thereof, upon the subject of Labor, its necessity, and importance in the promotion of human happiness.

Sec. — No sectarian instruction shall be imparted in the State University, the Normal School, or any of the Public Schools of this State; and no sectarian books, or books having a sectarian bias, shall ever be used in the State University or the Public Schools. Nor shall any money ever be appropriated for the support of religious or denominational schools.

O'Sullivan.

An. No 218
Committee on Revenue
and Taxation,

Concerning Road Tax.

Oct 11. '78
Read & referred to
Com on Revenue &
Taxation

Thronton

Ass Rec

Nov. 18, 1878
Reported back with
Substitute Amendment,
No. 510. J. M. Wright,
Clerk of Senate.

O'Sullivan.

43
Rev & Tax

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Concerning Road Tax.

Resolved, That the following provision concerning a general road tax should be embodied in the Constitution:

Section — It shall be the duty of the Legislature, after the adoption of this Constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges and the improvement of public roads in the different counties of the State, under such rules and regulations as the Legislature shall provide; and no law shall be passed authorizing a poll tax for, or requiring the personal service of any portion of the people on, public roads.

O'Sullivan

Am to 219

Relation to Revenue
and Taxation

at Portland

Oct 11. /8
Read & referred to
Com on Revenue &
Taxation

Thornton
ass Rec

44

Re Nov. 18, 1898
Reported back with
substitute amendment
No. 510. J. M. Wright
Asst. Secretary
Overton

Relating to Revenue and Taxation

Resolved that the Constitution be so
amended as to require all persons
to make a statement on the
first Monday of March of each
year under oath of all property
owned or controlled by them
in this State Subject to Taxation

A. P. O'Brien

Jan. 25, 1879
Reported back with
substitute amendments,
No. 535. J. M. Wright,
Asst. Secretary

Am No 220

Resolution To
incorporate
a new section
in the constitution
under miscellaneous
provisions
section
~~Relative to~~
~~and subject to~~
~~and subject to~~

Oct 11. 78.
Read & referred to Com.
on Miscellaneous Subjects
45 Thornton
as rec

Mr. Knight
Read in Com.
Introduced & referred

Patrick Riddy
Oct 11th 1878.

(over)
Riddy

Article 11. Section _____
Miscellaneous provisions

Resolved, That the following
section be incorporated in the
Constitution

That any citizen of
this state who shall after
the adoption of this Constitution
join any mob or other unlawful
assembly of persons, for the
purpose of destroying human
life, or property, or who shall
knowingly aid or assist those
thus offending, shall not be
allowed to hold any office
of profit, or to enjoy the
rights and franchises under this
Constitution

Introduced by Patrick Reddy
of Mono and Inyo Counties.
Oct. 11th 1878.